

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

LONNIE WAGNER,)	
)	
Plaintiff,)	
v.)	Case No. 1:12-cv-01879-SEB-DML
)	
ROBERT BURNS, et al.,)	
)	
Defendants.)	

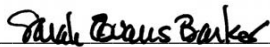
Entry Discussing Motion to Dismiss

The plaintiff wishes to voluntarily dismiss this action without prejudice. He hopes to retain counsel to assist him with this litigation after he is released from prison in six months. Although the defendants do not oppose the motion, the Court notes that the plaintiff's motion to dismiss appears to have an implied condition which the Court cannot *guarantee, i.e.*, that the plaintiff's claims, if refiled, would not be barred by the two-year statute of limitations. For this reason, the plaintiff's voluntary motion to dismiss [dkt. no. 39] is **denied**.

The plaintiff shall have **through February 14, 2014**, in which to either 1) file an unconditional motion to dismiss, or 2) state that he will proceed with this action.

IT IS SO ORDERED.

Date: 01/21/2014



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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All electronically registered counsel